

## **REMARKS**

Claims 1, 3-6, 8-11 and 13 are pending. By this Amendment, Claims 1 and 13 are amended. Support for the amendments is provided in the instant application, as originally filed. As such, Applicants respectfully submit that no new subject matter is presented.

### **Telephonic Interview**

Applicants respectfully acknowledge and appreciate the courtesies extended to Applicants representative by the Examiner during the telephonic interview conducted on December 10, 2009. The points discussed during the interview are incorporated herein.

### **Claim Rejections – 35 U.S.C. §102/§103**

Claims 1, 3-4 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 5,884,009 to Okase; Claims 5-6 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okase; and Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okase in view of United States Patent Number 6,817,377 to Reimer et al. (Reimer).

Applicants respectfully traverse the rejections for at least the following reason(s).

Claims 1 and 13 each recite a film forming apparatus including, among other features, a gas mixture supply port constructed and arranged such that a gas mixture to be supplied from a gas-mixing chamber flows in direct contact with, and only from outside a circumferential outer perimeter of, the upper surface of the shower head and gas-injection holes toward a central portion along the upper surface of the shower head.

That is, the gas mixture supply port is configured to deliver the gas mixture in a direction starting outside of the outside circumferential outer perimeter of the shower head and the gas-injection holes defined therethrough and toward a central portion along the top surface of the shower head. At no point is the gas mixture introduced to the top surface of the shower head at a location inside the outer perimeter of the shower head.

As discussed on page 3, line 28 through page 4, line 15 of the application as originally filed, the structure of the film-forming apparatus recited by Claims 1 and 13 provide the advantages and benefits of uniform distribution of thickness, improved quality and composition of the film on the wafer surface.

Applicants respectfully submit that Okase and Reimer, alone or in any combination thereof, fail to disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13.

With regards to Okase, as noted during the interview of December 10, 2009, Okase teaches a first supply port (75a), which supplies a gas mixture from a gas-mixing chamber (defined by the Office Action as the volume between 7a, b) to the shower head (7c), defined at a location above the center portion of the shower head such that the supplied gas flows in a direction starting at a center of the top surface of the shower head that is obviously located within the outer perimeter of the shower head, and propagating radially outward toward the outer perimeter of the shower head.

As also noted during the interview, Okase further teaches that the gas mixture supplied from the second supply port (75b) flows along a diametrically outer circumference of the shower head (7c).

As such, with the manner in which the supply ports, which includes the first and second supply ports (75a and 75b), as well as the port marked "not shown", are configured and the specific teachings by Okase of the manner in which the supply ports are arranged, located and configured, Okase fails to disclose, teach or suggest a gas mixture supply port constructed and arranged such that a gas mixture to be supplied from a gas-mixing chamber flows in direct contact with, and only from outside a circumferential outer perimeter of, the upper surface of the shower head and gas-injection holes toward a central portion along the upper surface of the shower head as is recited by Claims 1 and 13.

In view of the above, Applicants respectfully submit that Okase fails to disclose, teach or otherwise suggest each and every feature recited by Claim 1 and 13.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim must be taught by the applied art of record. Since Okase does not disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13, Applicants respectfully submit that Claims 1 and 13 are not anticipated by, or rendered obvious in view of, Okase and should be deemed allowable.

Reimer teaches a supply port communicated from a gas-mixing chamber to a shower head to supply a gas mixture, wherein the supply port is disposed above the shower head and on a diametrical extension line of the shower head, and wherein the

supply port is arranged and constructed such that the gas mixture supplied from the gas-mixing chamber flows from a peripheral exterior on the top face of the shower head toward a central portion along the top face thereof.

As such, Applicants submit that Reimer does not cure or otherwise address the above-described drawbacks and deficiencies of Okase.

Therefore, Applicants submit that Claim 13 is not rendered obvious in view of the teachings of Okase and Reimer, either alone or in any combination thereof, and should be deemed allowable.

Applicants respectfully submit that Okase and Reimer, alone or in any combination thereof, fails to disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13.

Claims 3-6 and 8-11 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1, 3-6, 8-11 and 13, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 026390.00009.**

Respectfully submitted,  
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